

REMARKS

This Amendment is submitted in response to the Office Action dated December 15, 2005. The Patent Office rejected Claims 1-3, 7, 9, 10, 14, 16, 18 and 20 under 35 U.S.C. §102(e) as being anticipated by *Hashiba et al.* (Japanese Patent No. JP405033510); Claims 8, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Hashiba et al.*; Claim 15 under 35 U.S.C. §103(a) as being unpatentable over *Hashiba et al.* in view of *Haxton* (U.S. Patent No. 3,734,552); Claims 4, 11 and 19 under 35 U.S.C. §103(a) as being unpatentable over *Hashiba et al.* as applied to Claims 1 and 10 in view of *Marovich* (U.S. Patent No. 4,068,421); and Claims 5 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Hashiba* as applied to Claims 1 and 10 in view of *Kawarazaki* (Japanese Patent No. 2002-146913).

By the present Amendment, Applicant amended Claims 1, 10 and 18. Applicant asserts that the amendments to the claims and the remarks that follow overcome the objections and rejections made by the Patent Office and place the application in condition for allowance. Notice to that effect is requested.

In the Office Action, the Patent Office rejected Claims 1-3, 7, 9, 10, 14, 16, 18 and 20 under 35 U.S.C. §102(e) as being anticipated by *Hashiba et al.* With respect to independent Claim 1, the Patent Office alleges that:

"Hashiba discloses a building comprising a plurality of walls (10, Figure 2) that connect to define a room wherein the plurality of walls connect to form an interior wherein each of the plurality of walls has a body wherein the body is defined by a length and a width wherein the length is defined between a first end and a second end and the width is defined between a third end and a fourth end wherein a section of each of the plurality of walls at the first end, the second end, the third end and the fourth end extends a first distance into the interior of the room and further wherein the section of the first end further extends a second distance parallel to the length of each of the plurality of walls; and

a plurality of roof panels (20, Figure 2) that connect at least one of the plurality of walls connect [stat] to define a ceiling for the room wherein each of the plurality of roof panels has a body defined by a length and a width wherein the length is defined between a first end and second end and the width is defined between a third end and a fourth end wherein the body of each of the plurality of roof panels is formed by a single layer (21) and further wherein a section (35) of each of the plurality of roof panels at the first end extends into the interior of the room and further extends parallel to the body of each of the plurality of roof panels and further wherein the section of one of the plurality of walls is attached (via rivets 91, Figure 2) to the section of one of the roof panels separates the interior of the room from an exterior of the room."

With respect to independent Claim 10, the Patent Office alleges that:

"Hashiba et al. discloses a building system comprising a plurality of wall panels (10) defining a room wherein each of the plurality of wall panels is defined by a body (11) having a length defined between a first end and a second end and further wherein a section (30) is integrally formed (via rivets 31) with each of the plurality of wall panels at the first end and extends a first distance perpendicular to the body of each of the plurality of wall panels and further extends a

second distance (32) toward the second end of each of the plurality of wall panels;

a roof panel (20) contacting the plurality of wall panels at the first end of each of the plurality of wall panels to provide a ceiling for the room wherein the roof panel is defined by a body (21) having a length defined between a first end and a second end wherein a section (35) is integrally formed (via rivets 31) with the roof panel at the first end of the roof panel and extends a first distance perpendicular to the body of the roof panel and further extends a second distance toward the second end of the roof panel; and

a fastener (91) attaching one of the plurality of wall panels to the roof panel wherein the section of one of the plurality of wall panels extending perpendicular to the body of one of the plurality of wall panels is attached to the section of the roof panel extending toward the second end of the roof panel".

With respect to independent Claim 18, the Patent Office alleges that:

"Hashiba et al. disclose a method for assembling a building, the method comprising the steps of providing a plurality of walls (10) defining a room having an interior wherein each of the walls has a perimeter defining a plane between four edges wherein a first portion (12) of each of the plurality of walls at each of the four edges extends into the interior of the room and abuts a second portion (13 and 32) of each of the plurality of walls which extends parallel to the plane of each of the plurality of walls;

providing a roof panel (20) defining a ceiling for the room wherein the roof panel has a length defined between a first end and a second end wherein a first section (22) of the roof panel at the first end extends into the interior of the room and abuts a second section of the roof panel wherein the second section (23) of the roof panel extends toward the second end;

and fastening (91) the first portion of one of the plurality of walls to the second section of the roof panel."

Independent Claim 1, as amended, requires a section of each of the plurality of walls at the first end, the second end, the third end, and the fourth end extends a first distance into the interior of the room and further wherein the section of each end further extends a second distance parallel to the length of each of the plurality of walls. Further, Claim 1 requires at least one of the roof panels to abut at least one of the wall panels to separate the interior of the room from an exterior of the room.

Independent Claim 10, as amended, requires a plurality of wall panels that abut to define a room wherein the room has an interior defined by the plurality of wall panels. Further, Claim 10 requires that the section of one of the wall panels abuts the section of the roof panel.

Independent Claim 18, as amended, requires a second portion of each of the four edges to extend from the first portion of each of the plurality of walls wherein the second portion defines a second plane perpendicular to the first plane wherein the second portion extends into the interior of the room. Further, Claim 18 requires the first portion of one of the plurality of walls to abut the second portion of the roof panel.

Hashiba et al. disclose that channels 30 and 35 abut the panels 10 and 20. The channels 30 and 35 abut to secure the panels 10 to the panels 20 via rivets 91. The channel 92 abuts a first wall

panel and a second wall panel to fasten the first wall panel to the second wall panel.

Nowhere does *Hashiba et al.* disclose that a section of each of the plurality of walls at the first end, the second end, the third end, and the fourth end extends a first distance into the interior of the room and further wherein the section of each end further extends a second distance parallel to the length of each of the plurality of walls, as required by Claim 1. On the contrary, *Hashiba et al.* merely disclose that three edges of the wall panels 20 extend parallel to the length of each of the plurality of walls. The fourth edge of the wall panel abuts the channel 30 to secure to the channel 35. Therefore, *Hashiba et al.* fail to disclose that the section of each end extends a second distance parallel to the length of each of the plurality of walls, as required by Claim 1.

Further, nowhere does *Hashiba et al.* disclose that at least one of the roof panels abuts at least one of the wall panels to separate the interior of the room from an exterior of the room. *Hashiba et al.* merely disclose that channel 30 abuts the wall panels and abuts the channel 35. Therefore, *Hashiba et al.* fail to disclose that at least one of the roof panels abuts at least one of the wall panels, as required by Claim 1.

With respect to Claim 10, nowhere does *Hashiba et al.* disclose a plurality of wall panels abut to define a room wherein the room has an interior defined by the plurality of wall panels, as

required by Claim 10. *Hashiba et al.* merely disclose that plate 92 abuts a first wall panel and a second wall panel and channel 30 connects the first wall panel to the second wall panel. Therefore, *Hashiba et al.* fail to disclose that a plurality of wall panels abut to define a room, as required by Claim 10.

Further, nowhere does *Hashiba et al.* disclose that the section of one of the wall panels abuts the section of the roof panel, as required by Claim 10. On the contrary, *Hashiba et al.* merely disclose that channel 30 attached to channel 35 to secure a wall panel to a roof panel. The wall panel 10 neither contacts nor abuts the roof panel 20. Therefore, *Hashiba et al.* fail to disclose that the section of one of the wall panels abuts the section of the roof panel, as required by Claim 10.

With respect to Claim 18, nowhere does *Hashiba et al.* disclose that a second portion of each of the four edges extends from the first portion of each of the plurality of walls wherein the second portion defines a second plane perpendicular to the first plane, as required by amended Claim 18. *Hashiba et al.* merely disclose that three edges of the wall panel extend into the interior of the room and perpendicular to the wall panel. The fourth edge connects to channel 30 which will connect to channel 35 to secure the wall panel to the roof panel. Therefore, *Hashiba et al.* fail to disclose that a second portion of each of the four edges extends from the first portion of each of the plurality of walls wherein

the second portion defines a second plane perpendicular to the first plane, as required by Claim 18.

Further, nowhere does *Hashiba et al.* disclose that the first portion of one of the plurality of walls abuts the second portion of the roof panel, as required by Claim 18. On the contrary, *Hashiba et al.* teach that channels 30 and 35 abut to secure the roof panels to the wall panels. Therefore, *Hashiba et al.* fail to disclose that the first portion of one of the plurality of walls abuts the second portion of the roof panel, as required by Claim 18.

Under 35 U.S.C. §102, anticipation requires that a single reference disclose each and every element of Applicant's claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ 2d. 1241, 1245 (Fed. Cir. 1986). Moreover, anticipation is not shown even if the differences between the claims and the references are "insubstantial" and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

In view of the foregoing, since *Hashiba et al.* fail to disclose each and every element of amended independent Claims 1, 10 and 18, the rejection of Claims 1-3, 7, 9, 10, 14, 16, 18 and 20 under 35 U.S.C. §102(e) has been overcome and should be withdrawn. Notice to that effect is requested.

In the Office Action, the Patent Office rejected Claims 8, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Hashiba et al.* As set forth by the foregoing remarks with respect to the rejection of Claims 8, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Hashiba et al.*, Applicant respectfully submits that the rejection has been overcome by the amendments to Claims 1 and 10 and for the reasons that follow.

In the Office Action, the Patent Office alleged that:

While *Hashiba et al.*'s wall and roof panels are connected by rivets (91), *Hashiba et al.* do [stat] not specify that the apertures are slots. However, slotted apertures are very well known in the building arts. One of ordinary skill in the art would know the benefits of using slotted apertures in place of rivets in that slotted apertures permit slight variance in aligning apertures of adjacent members and thereby facilitate assembly.

However, Claim 8 requires a slot formed within the section of the first end of one of the plurality of roof panels that extends into the interior of the room. *Hashiba et al.* fail to teach or suggest that a section of each of the plurality of walls at the first end, the second end, the third end, and the fourth end extends a first distance into the interior of the room and further wherein the section of each end further extends a second distance parallel to the length of each of the plurality of walls, as required by independent Claim 1 from which Claim 8 depends. Further, *Miller* fails to teach or suggest that at least one of the roof panels abuts at least one of the wall panels to separate the interior of

the room from an exterior of the room, as required by independent Claim 1 from which Claim 8 depends. Accordingly, the rejection of Claim 8 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Claim 12 requires a hole formed within the section of the one of the plurality of wall panels. Claim 13 requires a slot formed within the section of the roof panel. *Hashiba et al.* fail to teach or suggest the section of one of the wall panels abuts the section of the roof panel, as required by independent Claim 10 from which Claims 12 and 13 depend. Further, *Hashiba et al.* fail to teach or suggest that the section of one of the wall panels abuts the section of the roof panel, as required by independent Claim 10 from which Claims 12 and 13 depend. Therefore, the rejection of Claims 12 and 13 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Still further, in the Office Action, the Patent Office rejected Claim 15 under 35 U.S.C. §103(a) as being unpatentable over *Habisha et al.* in view of *Haxton*. This rejection is traversed for the reasons that follow.

In the Office Action, the Patent Office alleged that:

While *Hashiba et al.* teach a typical door handle attached inwardly of the door edge, *Hashiba et al.* do not disclose a handle attached to the door edge and wall; however such a latching arrangement is well known in the art. *Haxton* shows a door latching device wherein one part of the latching arrangement is attached to the door edge and the

other is attached to the adjacent wall panel (Figure 1).

However, Claim 15 requires a handle attached to one of the plurality of wall panels. On the contrary, *Haxton* fails to teach or to suggest the elements of the present invention which are not taught by *Hashiba et al.*, taken singly or in combination, as required by amended independent Claim 1 from which Claim 4 depends. Accordingly, the rejection of Claim 4 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Moreover, in the Office Action, the Patent Office rejected Claims 4, 11 and 19 under 35 U.S.C. §103(a) as being unpatentable over *Hashiba et al.* as applied to Claims 1 and 10 and further in view of *Marovich*. This rejection is traversed for the reasons that follow.

In the Office Action, the Patent Office alleged that:

While *Hashiba et al.* do [stat] not disclose a post to support the roof panels, *Marovich* teaches a central pole (22) attached to the roof panel to stiffen the structure (column 4, lines 26-27).

However, Claim 4 requires a post attached to one of the plurality of roof panels. On the contrary, *Marovich* fails to teach or to suggest the elements of the present invention which are not taught by *Hashiba et al.*, taken singly or in combination, as required by amended independent Claim 1 from which Claim 4 depends. Accordingly, the rejection of Claim 4 under 35 U.S.C. §103(a) has

been overcome and should be withdrawn. Notice to that effect is requested.

Further, Claim 11 requires a post attached to the roof panel. Contrary to the assertions of the Patent Office, Marovich fails to teach or to suggest the elements of the present invention which are not taught by Hashiba et al., taken singly or in combination, as required by amended independent Claim 10 from which Claim 11 depends. Accordingly, the rejection of Claim 11 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Still further, Claim 19 requires attaching a post to the roof panel. On the contrary, Marovich fails to teach or to suggest the elements of the present invention which are not taught by Hashiba et al., taken singly or in combination, as required by amended independent Claim 18 from which Claim 19 depends. Accordingly, the rejection of Claim 19 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

In addition, in the Office Action, the Patent Office rejected Claims 5 and 17 under 35 U.S.C. §103(a) as being unpatentable over Hashiba et al. as applied to Claims 1 and 10 and further in view of Kawarazaki. This rejection is traversed for the reasons that follow.

In the Office Action, the Patent Office alleged that:

While Hashiba et al. do [stat] not disclose a brace attached to one of the plurality of wall panels and

the roof panel, braces are well known in the building art for increasing stiffness and strength of a structure. Kawarazaki discloses removable braces (30) between wall and ceiling panels to firmly support a ceiling panel during construction of the building.

However, Claim 5 requires a brace attached to one of the plurality of walls and one of the plurality of roof panels. On the contrary, Kawarazaki fails to teach or to suggest the elements of the present invention which are not taught by *Hashiba et al.*, taken singly or in combination, as required by amended independent Claim 1 from which Claim 5 depends. Accordingly, the rejection of Claim 5 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

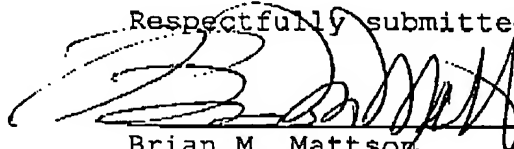
Further, Claim 17 a brace attached to one of the plurality of wall panels and the roof panel. Contrary to the assertions of the Patent Office, Kawarazaki fails to teach or to suggest the elements of the present invention which are not taught by *Hashiba et al.*, taken singly or in combination, as required by amended independent Claim 10 from which Claim 17 depends. Accordingly, the rejection of Claim 17 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

Claims 2-5, 7 and 8 depend from Claim 1; Claims 11-17 depend from Claim 10; and Claims 19 and 20 depend from Claim 18. These claims are further believed allowable over the references of record, taken singly or in combination, for the same reasons set forth with respect to their parent claims since each sets forth

additional novel features and steps of Applicant's shanty and system and method for assembling the same, respectively.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

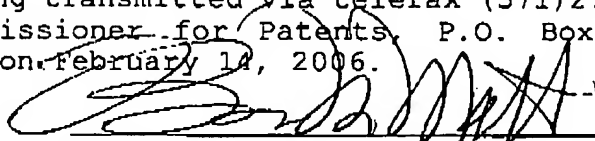


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CERTIFICATE OF TRANSMISSION

I hereby certify that this **Amendment After Final and Transmittal Letter** are being transmitted via telefax (571)273-8300 to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 14, 2006.



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